

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BUXBAUM,

Plaintiff,

-against-

ADAM DANIEL SOMMER; CARI JOY  
SOMMER,

Defendants.

24-CV-10080 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Michael Buxbaum, who is appearing *pro se*, brings this action invoking the Court's federal question jurisdiction and diversity jurisdiction. The Court dismisses this action without prejudice for the following reasons.

Plaintiff previously filed a complaint commencing another civil action in this court against the same defendants named here, Adam Daniel Sommer and Cari Joy Sommer; that complaint appears to be raising the same claims as the claims he raises in this action. *See Buxbaum v. Sommer*, No. 24-CV-9546 (JAV) (S.D.N.Y.). As Plaintiff raises the same claims in two separate actions, no useful purpose would be served by litigating this duplicative action. The Court therefore dismisses this action without prejudice as duplicative of *Buxbaum*, No. 24-CV-9546 (JAV).

**CONCLUSION**

The Court dismisses this action without prejudice as duplicative of *Buxbaum v. Sommer, Inc.*, No. 24-CV-9546 (JAV) (S.D.N.Y.).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to a enter a judgment dismissing this action for the reasons set forth in this order.

SO ORDERED.

Dated: January 9, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge